

MONDAY, MARCH 5, 2001
FIFTEENTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Overbey.

Representative Overbey led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....99

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 99.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 30: Rep(s). Sands as prime sponsor(s).

House Joint Resolution No. 84: Rep(s). Pleasant, Hood and Bone as prime sponsor(s).

House Bill No. 213: Rep(s). Davis (Cocke) as prime sponsor(s).

House Bill No. 1154: Rep(s). Pleasant, Fraley and Bone as prime sponsor(s).

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MESSAGE FROM THE SENATE

March 5, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 105; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 105 -- Memorials, Personal Occasion - Ben and Sue Atchley, 50th wedding anniversary. by *Burchett, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsa, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

MESSAGE FROM THE SENATE

March 5, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 35, 88 and 89; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Joint Resolution No. 35** -- Memorials, Congress - Urges congressional delegation to assist state in obtaining federal Section 5309 funding for bus and capital improvement projects and rail projects. by *Haun.

Senate Joint Resolution No. 88 -- Memorials, Personal Occasion - John Eugene Fowler, 70th birthday. by *Fowler.

Senate Joint Resolution No. 89 -- Memorials, Congratulations - Kimberly Roush, Prudential Spirit of Community Awards. by *McNally.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 110** -- General Assembly, Studies - Creates committee to study increased remedies for violation of civil rights. by *Langster, *Jones U (Shelby), *Pruitt, *DeBerry L, *Bowers, *Armstrong, *Kent, *Cole (Dyer), *Todd, *Kernell, *Miller L.

House Judiciary Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 8, 2001:

House Resolution No. 31 -- Memorials, Congratulations - Williamson County Soil Conservation District. by *Sargent, *Williams (Williamson).

House Joint Resolution No. 109 -- Memorials, Recognition - William Chessor, 2001 Prudential Spirit of Community Award. by *Shepard.

House Joint Resolution No. 112 -- Memorials, Death - Hugh Harris. by *Sands.

House Joint Resolution No. 113 -- Memorials, Death - Colleen Marie Brick, State Comptroller's Office. by *Davidson, *Naifeh, *Rinks, *White, *Maddox.

House Joint Resolution No. 114 -- Memorials, Death - Raymond Tuck, Daily Times Advertising Director. by *Overbey.

House Joint Resolution No. 115 -- Memorials, Congratulations - Tom Brooks, Collierville Chamber of Commerce Person of the Year. by *Scroggs, *Todd.

House Joint Resolution No. 116 -- Memorials, Recognition - Wellmont Bristol Regional Medical Center. by *Mumpower, *Godsey, *Davis (Washington), *Westmoreland.

House Joint Resolution No. 117 -- Memorials, Recognition - Johnson County Future Farmers of America. by *Mumpower.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 8, 2001:

Senate Joint Resolution No. 88 -- Memorials, Personal Occasion - John Eugene Fowler, 70th birthday. by *Fowler.

Senate Joint Resolution No. 89 -- Memorials, Congratulations - Kimberly Roush, Prudential Spirit of Community Awards. by *McNally.

Senate Joint Resolution No. 105 -- Memorials, Personal Occasion - Ben and Sue Atchley, 50th wedding anniversary. by *Burchett, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 1964** -- Naming and Designating - Names Administration Building at new Tennessee Fire Service and Codes Enforcement Academy in Bedford County in honor of former Shelbyville Fire Chief Garland King. by *Phillips.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 24** -- Highway Signs - Designates entrance into Cumberland River Watershed on I-24, I-40, I-65, and US 70. by *Henry. (HB617 by *Kisber)

***Senate Bill No. 27** -- Highway Signs - "Bewley's Bridge," spanning Nolichucky River on S.R. 340 at Cocke County-Greene County boundary. by *Haun, *Henry, *Crowe, *Williams. (HB149 by *Davis (Cocke), *Whitson)

Senate Bill No. 168 -- Highway Signs - "American Museum of Science and Energy," I-75, Anderson County. by *McNally, *Henry, *Williams. (*HB194 by *Caldwell)

***Senate Bill No. 231** -- Highway Signs - "Walt Watters Memorial Bridge," US Highway 43 in Lawrence County. by *Jackson, *Williams. (HB390 by *White)

***Senate Bill No. 284** -- Utilities, Utility Districts - Increases board of West Cumberland water utility district from three to five members. Amends TCA Section 7-82-307. by *Davis L. (HB450 by *Curtiss)

***Senate Bill No. 648** -- Holidays and Days of Special Observance - "John Sevier Day," every June 23, to honor Tennessee's first governor for his important role in state history. Amends TCA Title 15, Chapter 2. by *Burchett, *Henry, *Haun, *Crowe, *Williams, *Atchley. (HB446 by *Windle)

***Senate Bill No. 1282** -- Telecommunications - Clarifies that interexchange carriers are not public utilities and are not subject to provisions governing public utilities. Amends TCA Title 65, Chapter 4, Part 1. by *Cooper J, *Rochelle, *Ramsey. (HB1824 by *Head, *Kisber, *Williams (Williamson), *Rinks, *Cole (Dyer), *Ford S, *Westmoreland, *Towns, *Curtiss, *Bowers, *Godsey, *Davis (Cocke), *Whitson, *Kent, *Cole (Carter), *Sands, *Rhinehart, *Lewis, *Armstrong, *Buttry, *McKee, *Phelan, *Ferguson, *Kernell, *McDonald, *Arriola)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1956 -- Williamson County -- Local Bill Held on House Desk

House Bill No. 1957 -- Meigs County -- Local Bill Held on House Desk

House Bill No. 1958 -- Polk County -- Local Bill Held on House Desk

House Bill No. 1959 -- Tiptonville -- Local Bill Held on House Desk

House Bill No. 1960 -- Athens -- Local Bill Held on House Desk

House Bill No. 1961 -- Henderson County -- Local Bill Held on House Desk

House Bill No. 1962 -- Hickory Valley -- Local Bill Held on House Desk

CONSENT CALENDAR

House Resolution No. 30 -- Memorials, Death - Judge William Russell. by *Phillips, *Sands.

***House Joint Resolution No. 84** -- General Assembly, Statement of Intent or Position - Endorses "Read Across America" program. by *Winningham, *Davidson, *Towns, *Hood, *Caldwell, *Cooper B, *Turner (Shelby), *Patton, *Pinion, *Maddox, *Ridgeway, *Fitzhugh, *White, *Shaw, *Harwell, *Scroggs, *McCord, *Hagood, *Sands, *Jones U (Shelby), *DeBerry J, *Shepard, *Whitson, *Montgomery, *Overbey, *West, *Pleasant, *Bone.

House Joint Resolution No. 103 -- Memorials, Sports - Alcoa High School Tornadoes, 2000 TSSAA Class 2A Football State Champions. by *Overbey, *McCord.

House Joint Resolution No. 104 -- Memorials, Personal Achievement - Andrew Lee, Nicholas Pate, Conner Corwin, and Dana Davidson, Eagle Scouts, Troop #354. by *Johnson, *Overbey.

House Joint Resolution No. 105 -- Memorials, Recognition - Williamson Chapel Christian Methodist Episcopal Church, 115th Anniversary. by *Beavers.

House Joint Resolution No. 107 -- Memorials, Personal Occasion - Mr. and Mrs. Blaine A. Whittimore, 50th Anniversary. by *Patton.

House Joint Resolution No. 108 -- Memorials, Personal Occasion - Mr. and Mrs. Luther Mason Cantrell, 50th Anniversary. by *Patton.

House Joint Resolution No. 111 -- Memorials, Retirement - Billy Frank Hendley. by *Hargrove.

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House Bill No. 126 -- Traffic Safety - Permits computer or other electronic displays in utility motor vehicles to be used by utility employee only while vehicle is stopped, standing or parked. Amends TCA Section 55-9-105. by *Rhinehart, *Wood, *Cole (Carter), *Curtiss. (*SB3 by *Atchley, *Rochelle, *Burchett, *Henry)

On motion, House Bill No. 126 was made to conform with **Senate Bill No. 3**; the Senate Bill was substituted for the House Bill.

***House Bill No. 130** -- Workers' Compensation - Extends termination date from December 31, 2001 to July 1, 2003, of provision to allow employee whose back is injured to be able to choose health care provider from three physicians or surgeons designated by employer or chiropractor designated by employer. Amends Public Chapter 990 of the Public Acts of 2000. by *Odom, *Jones, S., *Turner (Shelby), *Briley, *West, *Armstrong. (SB138 by *Cooper J, *Jackson)

***House Bill No. 623** -- General Assembly - Creates joint select committee on business taxation. Amends TCA Title 3, Chapter 15. by *Kisber. (SB1495 by *Rochelle)

House Bill No. 1912 -- Springfield - Subject to local approval, authorizes city to impose fees on developing land within service area of city-owned utility. Amends Chapter 1 of the Private Acts of 1989; as amended. by *Davidson.

House Bill No. 1949 -- Cleveland - Subject to local approval, authorizes city to require property owners to remove overgrown vegetation and other debris from property. Amends Chapter 78 of the Private Acts of 1993; as amended. by *Bunch.

House Bill No. 1953 -- Greeneville - Subject to local approval, authorizes town to fill vacancy in position of assistant recorder, assistant chief of police, or assistant chief of fire department outside of civil service system. Amends Chapter 179 of the Private Acts of 1953; as amended. by *Whitson, *Davis (Cocke). (SB1921 by *Haun)

Senate Joint Resolution No. 80 -- Memorials, Death - Mildred Cappiello-Johnson. by *McNally, *Williams.

Senate Joint Resolution No. 84 -- Memorials, Professional Achievement - Jason Donald Robinson, State Farm Teacher of the Year Award Recipient. by *Miller J, *Trail.

Senate Joint Resolution No. 86 -- Memorials, Death - Watson Decator "Doc" Snyder. by *Crowe.

Senate Joint Resolution No. 87 -- Memorials, Recognition - Boy Scouts of America. by *Blackburn, *Cooper J, *Carter, *Jackson, *Harper, *Henry, *Person, *Haun, *Rochelle, *Kurita, *Graves, *Trail, *Davis L, *Miller J, *Burchett, *Williams, *Clabough, *McNally, *Haynes, *Atchley, *Dixon, *Crowe, *Burks, *Herron.

Senate Joint Resolution No. 96 -- Memorials, Death - Dale Earnhardt, NASCAR Legend. by *Williams.

Senate Joint Resolution No. 102 -- Memorials, Recognition - Alcoa Inc. by *Clabough.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

Senate Joint Resolution No. 87

Senate Joint Resolution(s) No(s). 87 was/were held on the Clerk's desk pending referral or other action.

Pursuant to **Rule No. 50**, Rep. Fitzhugh moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	98
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Representatives present and not voting were: Vincent -- 1.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 284 -- Domestic Violence - Requires all firefighters, law enforcement officers, and emergency medical services personnel to receive domestic violence training. Amends TCA Title 4, Chapter 24; Title 38, Chapter 8, Part 1 and Title 68, Chapter 140. by *Turner (Davidson). (*SB201 by *Harper, *Burks)

On motion, House Bill No. 284 was made to conform with **Senate Bill No. 201**; the Senate Bill was substituted for the House Bill.

Rep. Turner (Davidson) moved that Senate Bill No. 201 be passed on third and final consideration.

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Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 201 by deleting the amendatory language of Section 3 of the printed bill and by substituting instead the following:

As a part of its training curriculum for emergency medical services personnel, the department shall approve and coordinate the use of materials concerning domestic violence.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. West moved to re-refer Senate Bill No. 201 to the Committee on Calendar and Rules, which motion was immediately withdrawn.

Rep. Ridgeway moved the previous question, which motion prevailed.

Rep. Turner (Davidson) moved that **Senate Bill No. 201**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes99
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

***House Bill No. 213** -- Cosmetology - Reduces number of continuing education hours every two years to maintain cosmetology instructor's license from 24 hours to 16 hours; requires all applicants taking examinations for cosmetologist license to be able to read, write, and comprehend English language. Amends TCA Title 62, Chapter 4, Part 1. by *Ford S, *Davis (Cocke). (SB509 by *Haun)

Rep. Ford moved that House Bill No. 213 be passed on third and final consideration.

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Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 213 By deleting Section 2 in its entirety and by redesignating the subsequent section accordingly.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Patton moved the previous question, which motion prevailed.

Rep. Ford moved that **House Bill No. 213**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	2
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Towns, Turner (Davidson) -- 2.

Representatives present and not voting were: Brooks, Brown, Cooper -- 3.

A motion to reconsider was tabled.

***House Bill No. 1154** -- Insurance, Fire and Casualty - Expands type of coverage county mutual fire insurance companies are authorized to provide. Amends TCA Title 56, Chapter 22, Part 1. by *Ford S, *Sargent, *Rhinehart, *Walker, *Patton, *Curtiss, *Bowers, *Wood, *Cole (Carter), *Montgomery, *Pleasant, *Bone, *Fraley. (SB1578 by *Haun)

Rep. Ford moved that **House Bill No. 1154** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	99
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 1288 -- Checks, Deferred Presentments - Permits deferred presentment licensees to collect handling charge of \$20.00 for NSF check or check returned for closed account or stop payment; authorizes licensees to collect court costs and attorney fees for civil actions to collect unpaid checks. Amends TCA Section 45-17-112. by *DeBerry L, *Rinks, *McDaniel. (*SB287 by *Rochelle)

On motion, House Bill No. 1288 was made to conform with **Senate Bill No. 287**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 287 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Rinks moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 287 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 45-17-112(l), is amended by deleting the first sentence in its entirety and by substituting instead the following language:

If a check is returned to the licensee from a payer financial institution due to insufficient funds, closed account or a stop payment order, the licensee shall have the right to all civil means available and allowed by law to collect the check, including the right to collect court costs incurred in bringing the civil action as authorized in Section 47-29-101(a)(4), and shall further have the authority to assess a handling charge against the maker or drawer in the amount authorized by Section 47-29-102; provided, however, that the licensee shall not have the right to collect attorney's fees relating to the check. No other provisions of title 47, chapter 29, are applicable to or for a licensee under this part.

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On motion, Amendment No. 2 was adopted.

Rep. Brown moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 287 by deleting the amendatory language of Section 1 and by substituting instead the following sentences:

If a check is returned to the licensee from a payer financial institution due to insufficient funds, closed account or a stop payment order, then the licensee may assess a handling charge against the maker or drawer of such check in the amount authorized by § 47-29-102; provided, however, only one such handling charge may be collected with respect to any check even if the check has been re-deposited and returned more than once. Such licensee may also use all other civil means available and allowed by law to collect such check; provided, however, no provision of title 47, chapter 29, other than § 47-29-102, shall be applicable or available to such licensee.

Rep. Buck moved to divide the question, which motion prevailed.

After further debate, Rep. Buck withdrew his motion to divide the question.

Rep. Rhinehart moved that Amendment No. 3 be tabled, which motion failed by the following vote:

Ayes	33
Noes	54

Representatives voting aye were: Armstrong, Baird, Bowers, Boyer, Buck, Bunch, Buttry, Cole (Carter), Cole (Dyer), Davidson, Davis (Washington), Garrett, Goins, Hagood, Hargrove, Harwell, Head, Jones U, Kent, McKee, Montgomery, Newton, Overbey, Phelan, Rhinehart, Rinks, Roach, Sargent, Tindell, Todd, Whitson, Williams, Mr. Speaker Naifeh -- 33.

Representatives voting no were: Arriola, Beavers, Bittle, Black, Bone, Briley, Brooks, Brown, Chumney, Clem, Cooper, Curtiss, Davis (Cocke), DeBerry J, Dunn, Fowlkes, Fraley, Givens, Hargett, Hood, Johnson, Jones S, Kernell, Lewis, Maddox, McDaniel, McDonald, McMillan, Miller, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rowland, Sands, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Windle, Winningham, Wood -- 54.

Rep. Brown moved to substitute Amendment No. 3 with Amendment No. 6 as follows:

Amendment No. 6

AMEND Senate Bill No. 287 By inserting the following language in section 1 of the amendatory language after the language "Section 47-29-102;":

provided, only one such handling charge may be collected with respect to any check even if the check has been re-deposited and returned more than once;

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Rep. Boyer moved the previous question on Amendment No. 6., which motion prevailed.

On motion, Amendment No. 6 was adopted.

Rep. Westmoreland moved to take up Amendment No. 7, out of order, which motion failed by the following vote:

Ayes	50
Noes	37

Representatives voting aye were: Baird, Bittle, Black, Bone, Boyer, Buck, Bunch, Buttry, Clem, Cole (Carter), Cole (Dyer), Davidson, Davis (Cocke), Fowlkes, Fraley, Garrett, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kisber, McCord, McDaniel, McKee, Montgomery, Mumpower, Newton, Odom, Overbey, Phelan, Rhinehart, Rinks, Roach, Sargent, Scroggs, Sharp, Stanley, Tindell, Todd, Vincent, West, Westmoreland, White, Wood, Mr. Speaker Naifeh -- 50.

Representatives voting no were: Armstrong, Arriola, Beavers, Bowers, Brooks, Brown, Chumney, Cooper, Curtiss, Davis (Washington), DeBerry J, Ferguson, Givens, Jones S, Jones U, Kernell, Langster, Lewis, Maddox, McDonald, Miller, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rowland, Sands, Shaw, Shepard, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Williams, Windle -- 37.

Rep. J. DeBerry moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. J. DeBerry moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Rinks moved adoption of Amendment No. 7 as follows:

Amendment No. 7

AMEND Senate Bill No. 287 By inserting the language "(b) and (c)" in the amendatory language of Section 1 after the language "Section 47-29-101(a)(4).",

On motion, Amendment No. 7 was adopted.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. L. DeBerry moved that **Senate Bill No. 287**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	55
Noes	43
Present and not voting	1

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Representatives voting aye were: Armstrong, Arriola, Baird, Black, Bone, Boyer, Buck, Bunch, Buttry, Clem, Cole (Carter), Cole (Dyer), Davidson, DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Godsey, Goins, Hagood, Hargrove, Head, Johnson, Jones U, Kent, Kernell, Kisber, Langster, McCord, McDaniel, McKee, Miller, Montgomery, Mumpower, Newton, Overbey, Phelan, Rhinehart, Rinks, Roach, Sargent, Sharp, Tindell, Todd, Turner (Shelby), Vincent, Walker, Westmoreland, White, Williams, Winningham, Mr. Speaker Naifeh – 55.

Representatives voting no were: Beavers, Bittle, Bowers, Briley, Brooks, Caldwell, Chumney, Cooper, Curtiss, Davis (Washington), Davis (Cocke), Dunn, Fowlkes, Givens, Hargett, Harwell, Hood, Jones S, Lewis, Maddox, McDonald, McMillan, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rowland, Sands, Scroggs, Shaw, Shepard, Stanley, Tidwell, Towns, Turner (Hamilton), Turner (Davidson), West, Windle, Whitson, Wood – 43.

Representatives present and not voting were: Brown – 1.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 740: Rep(s). Arriola as prime sponsor(s).

House Bill No. 762: Rep(s). Pleasant as prime sponsor(s).

House Bill No. 1331: Rep(s). S. Jones, Hargett, Davis (Washington), Patton, Briley, Arriola, Ferguson, Overbey and J. DeBerry as prime sponsor(s).

House Bill No. 1840: Rep(s). McDaniel as prime sponsor(s).

ENGROSSED BILLS March 5, 2001

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 130, 213, 623, 1154, 1912, 1949, 1953, also, House Joint Resolution(s) No(s). 84, 103, 104, 105, 107, 108 and 111.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE March 5, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 99; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

March 5, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 226; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

March 5, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 68, 81, 82, 102, 137, 177, 179, 194, 196, 223, 294, 299, 315, 357, 376, 403, 418, 506, 538, 552, 652, 837, 1020, 1069, 1325, 1327, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1426, 1434, 1435, 1511, 1605 and 1637; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 68** -- Sunset Laws - Tennessee tollway authority, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 54, Chapter 15. by *Harper. (HB962 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 81** -- Sunset Laws - Deletes obsolete references to terminated governmental entities. Amends TCA Title 4, Chapter 29. by *Harper. (HB1619 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 82** -- Sunset Laws - Deletes references to developmental centers, boards of trustees, that are no longer subject to sunset review. Amends TCA Title 4, Chapter 29. by *Harper. (HB940 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 102** -- Sunset Laws - Tennessee arts commission, June 30, 2007. Amends TCA Title 4, Chapter 20 and Title 4, Chapter 29. by *Harper. (HB955 by *Kernell, *Brooks, *Cooper B)

Senate Bill No. 137 -- Fireworks - Conforms present designation of Class C and Class B fireworks to current U. S. Department of Transportation designation as Fireworks 1.4G and 1.3G, accordingly. Amends TCA Title 67 and Title 68, Chapter 104. by *Cooper J. (*HB129 by *Lewis, *Hagood, *Wood, *Curtiss, *Ferguson)

***Senate Bill No. 177** -- Domestic Violence - Clarifies that victim does not include person adjudged to be primary aggressor by law enforcement officer. Amends TCA Title 36, Chapter 3, Part 6. by *Fowler. (HB394 by *Chumney)

***Senate Bill No. 179** -- Environmental Preservation - Authorizes local governments designated as MS4s by environmental protection agency to develop stormwater management systems. Amends TCA Title 68, Chapter 221. by *Fowler, *Norris. (HB291 by *Sharp, *Overbey, *Fitzhugh, *McCord, *Bone)

MONDAY, MARCH 5, 2001 – FIFTEENTH LEGISLATIVE DAY

***Senate Bill No. 194** -- Animal Control - Revises Dog and Cat Humane Death Act to prohibit destruction of dogs and cats except by lethal injection of sodium pentobarbital or such other drug as may be authorized by board of veterinary examiners for use by certified animal control agencies. Amends TCA Title 44, Chapter 17, Part 3. by *Cohen. (HB792 by *Briley)

***Senate Bill No. 196** -- Boards and Commissions - Eliminates six positions on board of law examiners. Amends TCA Section 23-1-101. by *Cohen, *Norris. (HB718 by *Todd)

Senate Bill No. 223 -- Motor Vehicles, Titling and Registration - Allows owner or lessee of antique motor vehicle to display license plates of year within 10 years of manufacture of such vehicle instead of current license plates. Amends TCA Section 55-4-111. by *Kurita. (*HB189 by *Williams (Williamson))

Senate Bill No. 294 -- Sexual Offenses - Redefines "material" to include any text or image on computer hard drive, computer disks, or other medium designed to store information for later retrieval. Amends TCA Title 39, Chapter 17, Part 10. by *Jackson. (*HB304 by *McMillan)

Senate Bill No. 299 -- Victims' Rights - Redefines duties of victim-witness coordinators. Amends TCA Title 8, Chapter 7. by *Kurita. (*HB307 by *Scroggs)

***Senate Bill No. 315** -- Local Education Agency - Permits local boards of education to satisfy dissemination and availability of information requirements by allowing operating policy pamphlets to be kept in electronic format and available in each school library. Amends TCA Section 49-2-207. by *Trail. (HB996 by *Hood, *McDonald)

Senate Bill No. 357 -- Motor Vehicles, Titling and Registration - Changes expiration date for special purpose plates for dealers from March 31 to May 31 each year. Amends TCA Title 55, Chapter 4. by *Cooper J. (*HB228 by *McDonald, *Ridgeway, *Fowlkes)

Senate Bill No. 376 -- Uniform Laws - Enacts "Uniform Electronic Transactions Act.". by *Dixon. (*HB387 by *Fitzhugh)

***Senate Bill No. 403** -- Local Government, General - Revises certain provisions of "Adult-Oriented Establishment Registration Act of 1998." Amends TCA Title 7, Chapter 51, Part 11. by *Jackson. (HB517 by *Fowlkes)

***Senate Bill No. 418** -- Highway Signs - Fort Donelson National Battlefield and Cemetery, I-24 at U.S. Highway 79. by *Kurita. (HB512 by *Ridgeway)

***Senate Bill No. 506** -- Nuclear Materials, Transportation and Safety - Authorizes Category I Nuclear Facility to designate peace officers and grants such officers certain powers possessed by peace officers. Amends TCA Section 38-3-120. by *Haun. (HB593 by *Whitson)

Senate Bill No. 538 -- Criminal Procedure - Expands definition of what is not "effective consent" for purpose of criminal law to include consent given by elderly person to fiduciary when fiduciary uses money for someone other than elderly person with intent to deprive elderly person of such money. Amends TCA Section 39-11-106. by *Cohen. (*HB493 by *Scroggs)

***Senate Bill No. 552** -- District Attorneys - Increases salaries for assistant district attorneys. Amends TCA Section 8-7-226. by *Rochelle. (HB736 by *Buck)

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Senate Bill No. 652 -- Traffic Safety - Removes instruction that oncoming traffic proceed normally when meeting funeral procession. Amends TCA Section 55-8-183. by *Burchett. (*HB411 by *Bunch)

Senate Bill No. 837 -- Game and Fish Laws - Requires owners or tenants of farmlands claiming exemption from hunting and fishing licensure on such lands to submit signed statement, instead of sworn affidavit, at time of presenting fish or game to wildlife officer or check station; deletes requirement that wildlife resources commission promulgate rules specifying form of identification and information to be included in affidavit submitted by persons claiming such exemption. Amends TCA Section 70-2-204. by *Ramsey, *Williams, *Crowe, *Burks. (*HB693 by *Givens, *Roach)

***Senate Bill No. 1020** -- Tennessee Wildlife Resources Agency - Clarifies and expands various citation and enforcement powers of agency relative to boating; defines court jurisdiction and procedures relative to boating and deals with vessel numbering in Tennessee. by *Ramsey. (HB1597 by *Bittle, *Garrett, *Sargent, *Montgomery, *McCord, *Ridgeway)

Senate Bill No. 1069 -- Highway Signs - Dale Hollow Lake, Exit 286, 287, 288, 290 on I-40 in Cookeville. by *Burks, *Haynes, *Norris, *Davis L. (*HB578 by *Winningham)

Senate Bill No. 1325 -- Highway Signs - "Trooper John Gregory Mann Memorial Highway," segment of I-24 in Davidson County. by *Harper, *Trail, *Graves, *Haynes, *Herron. (*HB748 by *Langster, *DeBerry L, *Ridgeway, *Jones U (Shelby), *Pruitt, *Rinks, *DeBerry J, *Armstrong, *Head, *Jones, S.)

***Senate Bill No. 1327** -- Highway Signs - Father Ryan High School, I-65 in Davidson County. by *Henry. (HB1111 by *West)

***Senate Bill No. 1337** -- Highway Signs - "Noah F. Weaver Memorial Highway," State Highway 100 By-Pass in Chester County. by *Wilder. (HB835 by *McDaniel)

***Senate Bill No. 1338** -- Highway Signs - "National Bird Dog Museum and Field Trial Hall of Fame," I-40, Fayette County. by *Wilder, *Trail, *Herron. (HB1933 by *Fitzhugh)

***Senate Bill No. 1339** -- Highway Signs - "Glidewell-Williams Bridge," S.R. 224 in McNairy County. by *Wilder.

***Senate Bill No. 1340** -- Highway Signs - "Mae Tom and Judge Russ Davidson Memorial Bridge," U.S. 64 over Hardin Creek in Wayne County. by *Wilder. (HB1568 by *Tidwell)

Senate Bill No. 1341 -- Highway Signs - "Frank J. Glankler, Jr. Bridge" on S.R. 57 in Hardeman County. by *Wilder, *Cohen, *Kyle, *Herron. (*HB181 by *Shaw, *Naifeh, *Kisber)

***Senate Bill No. 1342** -- Highway Signs - "Glidewell-Williams Bridge," S.R. 224 in McNairy County. by *Wilder. (HB1586 by *Rinks)

***Senate Bill No. 1343** -- Highways, Roads and Bridges - "Jake Morris Bridge," Gun Hollow Branch on U.S. 64 in Wayne County. by *Wilder.

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***Senate Bill No. 1344** -- Highway Signs - "Richard Boyd Bridge," Hardin Creek on U.S. 64 in Wayne County. by *Wilder. (HB1567 by *Tidwell)

Senate Bill No. 1426 -- Sentencing - Establishes as new aggravating factor whether defendant committed murder after having been enjoined by court order from causing or attempting to cause bodily injury or assault against victim. Amends TCA Title 39, Chapter 13, Part 2. by *Person. (*HB141 by *Scroggs)

***Senate Bill No. 1434** -- Courts, Supreme Court of Tennessee - Expands supreme court's authority to assume jurisdiction over undecided case on appeal to intermediate appellate court to include cases in which application for interlocutory or extraordinary appeal is filed with intermediate court. Amends TCA Section 16-3-201. by *Person. (HB901 by *Buck)

***Senate Bill No. 1435** -- Courts, Supreme Court of Tennessee - Abolishes supreme court advisory commission on criminal rules of practice and procedure and removes nine person membership restriction on supreme court advisory commission on rules of practice and procedure. Amends TCA Section 16-3-601. by *Person. (HB893 by *Buck)

Senate Bill No. 1511 -- Computers and Electronic Processing - Enacts "Tennessee Personal and Commercial Computer Protection Act.". by *Rochelle, *Person. (*HB241 by *Patton, *Ford S)

***Senate Bill No. 1605** -- Sunset Laws - Emergency communications board, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 7, Chapter 86. by *Harper. (HB1610 by *Kernell, *Brooks, *Cooper B)

Senate Bill No. 1637 -- Insurance Companies, Agents, Brokers, Policies - Classifies release of nonpublic personal information by insurance company in violation of federal law as unfair or deceptive act or practice; establishes guidelines for investigation and punishment of violations. - TCA Title 56, Chapter 8, Part 1. by *Clabough, *Atchley. (*HB1360 by *McKee)

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

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RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Thursday, March 8, 2001.